

## REMARKS

In the October 17, 2003 Office Action, Claims 1-20 were pending, objected to on the basis of misspelling, and Claims 12-20 subject to restriction. Claims 12-20 have been withdrawn and, without conceding that claims 1-11 were not patentable or that restriction was appropriate, Claims 1-11 have been canceled. Claims 21-40 have been added and claim the subject matter of the invention in a manner to address the rejections and objections of now canceled Claims 1-11 as allegedly being anticipated under 35 USC §102(b).

## AMENDMENTS TO THE DRAWINGS

Figures 1-7 are substituted, as currently amended, to provide clearer images and the required corrections for showing the location of element "38", to present the other element numbers from the original specification, and to present views consistent with the original specification description without adding new matter.

## AMENDMENTS TO THE SPECIFICATION

Spelling errors in the specification has been corrected, as required, without introducing new matter.

## SECTION 102 REJECTIONS

Claims 21-40 have been added and written to obviate the rejections to now cancelled claims 1-11 under 35 USC §102(b) to Etbauer et al (U.S. Patent 2,621,837), Tidwell (U.S. Patent 3,865,291), and Bryngelson (U.S. Patent 4,116,373).

Etbauer requires the use of fasteners 23 to mount to the truck, in contrast to the instant invention as now claimed that holds a tire to the Hoist Tire Hanger that in turn is secured to a hoist arm without the use of fasteners or bolts, but instead by slidably wrapping around the hoist arm.

Tidwell requires the use of multiple fasteners to mount a tire to a truck. First the tire mount is bolted to the truck via bolts 104 and 106. Then the tire itself is mounted to the tire mount via bolts 82 and 80. In contrast, the Hoist Tire Hanger of the instant application, as now claimed in the currently amended Claims, holds a wheel via the axle hole of the wheel such that the Hoist Tire Hanger is secured to a hoist arm without the use of fasteners or bolts, but instead by slidably wrapping around the hoist arm.

Bryngelson similarly requires the use of a bolted base plate 10 to attach a tire mount to a truck and a another fastener, a nut 44, to secure the tire to the tire mount. In contrast, the instant invention as now claimed holds a wheel via the axle hole of the wheel such that the Hoist Tire Hanger is secured to a hoist arm without the use of fasteners or bolts, but instead by slidably wrapping around the hoist arm.

The disclosure of Etbauer , Tidwell, and Bryngelson requires the use of fasteners or bolts in order to function. Neither can function without the use of bolts. In contrast, the design of the instant invention allows it to function without the use of bolts. The Hoist Tire Hanger allows the secure holding of a tire via the tire holder of the instant invention that in turn is secured to the hoist member in a non-bolted fashion by slidably wrapping around the hoist arm.

#### **SECTION 103 REJECTION**

Claims 21-40 have been added and written to obviate the rejections to now cancelled claims 1-11 under 35 USC §103(a) as being unpatentable over Bryngelson (U.S. Patent 4,116,373) in view of Tidwell (U.S. Patent 3,865,291) and unpatentable over Starling et al (U.S. Patent 6,604,610) in view of Tidwell.

Bryngelson and Tidwell do not teach or suggest the use of holding tires via tire mounts that are not bolted to structures. In contrast, the instant invention teaches the holding of tires via tire mounts that are *not* bolted, and need not be, to structures.

Similarly, Starling and Tidwell do not teach the use of holding tires via tire mounts that are not bolted to structures. The U-shaped structure in Tidwell requires bolts 102 to secure 100' to the truck and bolts 104 and 106 to secure the tire to 100''. Starling, like Tidwell, requires multiple bolts 36, 48, and 344 to mount a tire hanger to a structure.

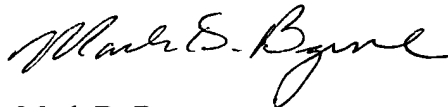
Applicant very respectfully submits that a *prima facie* case of obviousness has not been established because neither the combination of the Bryngelson and Tidwell nor the combination of Starling et al. and Tidwell references fails to teach or suggest all elements of the claimed invention. In contrast, the instant invention, as now claimed, teaches the use of holding tires via tire mounts that are *not* bolted to structures.

CONCLUSION

Applicant requests reconsideration and allowance of pending Claims 21 - 40.

Respectfully submitted,

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